

Remarks:

No Claims have been amended, canceled or added.

Claims 1, 3-18, 22-36, 38, 40, and 41 are pending.

Regarding Double Patenting Rejections:

The Office Action asserted a nonstatutory double patenting rejection of **Claims 1, 3-17, 22-27, 29-36, 38, 40, and 41** over claims 8-21 and 29-43 of related US Patent 6,959,985 in view of Barinaga (US Patent 5,721,576).

To overcome any double patenting based on related US Patent 6,959,985, a terminal disclaimer in compliance with 37 CFR 3.73(b) is submitted herein.

It is also noted that in the stated rejection placing related US Patent 6,959,985 in view of Barinaga (US Patent 5,721,576), related US Patent 6,959,985 would only qualify as prior art under 35 U.S.C. §102(e), however, pursuant to 35 U.S.C. §103(c), related US Patent 6,959,985 is not prior art under 35 U.S.C. §103 because the present application and related US Patent 6,959,985 are commonly owned by, or subject to an obligation of common assignment. In the instant case, the present application and related US Patent 6,959,985 were commonly owned by, or subject to an obligation of assignment to, Hewlett-Packard Company at the time the present invention was made. Accordingly, pursuant to 35 U.S.C. §103(c), related US Patent 6,959,985 (cited under 35 U.S.C. §102(e)) is not prior art under 35 U.S.C. §103.

Regarding the Novelty and Obviousness Rejections:

Claims 1, 3, 4, 15 and 17 stand rejected as being anticipated by Barinaga (US Patent 5,721,576)

Claims 14, 16 and 18 stand rejected as being unpatentable over Barinaga.

With regard to independent **Claim 1**, the Office Action alleges that the aperture (34) in Barinaga is:

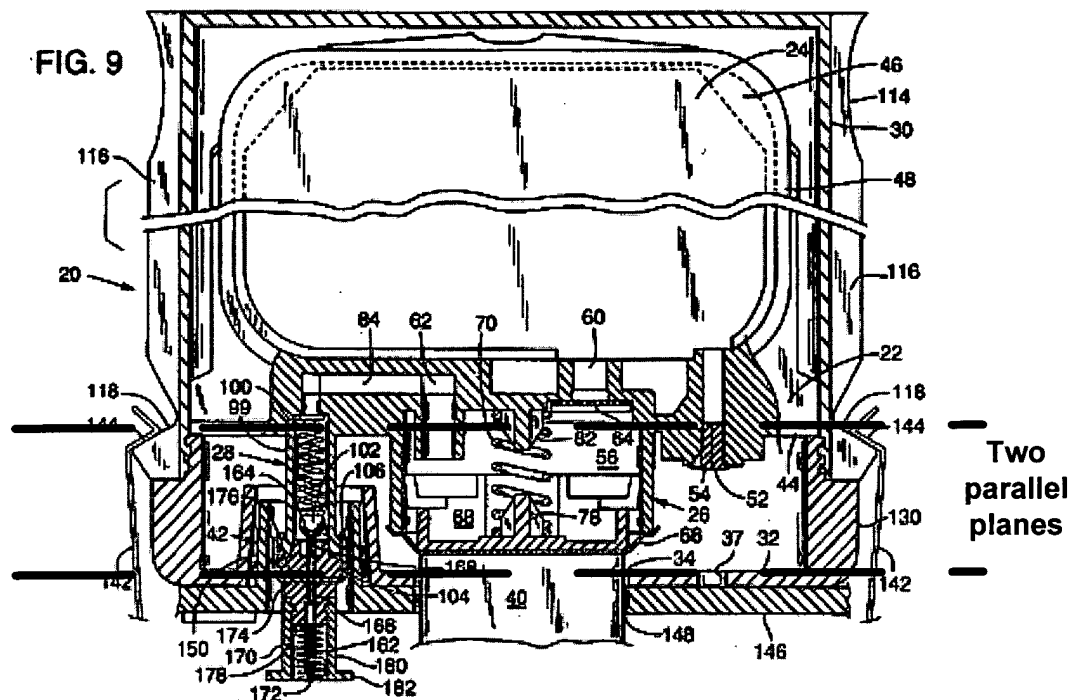
“an alignment pocket recessed into a center portion of the leading surface, wherein the alignment pocket is configured to mate with an outwardly-extending alignment member of the printing-fluid container bay so as to guide the printing-fluid container into an operational position” .

This is simply not so. The aperture (34) in Barinaga is simply an opening that exposes a pump (26) that an actuator (40) contacts. This arrangement is not configured “to guide the printing-fluid container into an operational position”. Indeed, Barinaga states (column 3 lines 17-19) that the actuator and pump are brought into contact “upon insertion”. Furthermore, Barinaga teaches that the container is guided and stabilized during insertion by the sides of the container which slide into corresponding vertical channels (138, 140), and that the sides may include vertical ribs (116) (see, e.g., column 9 lines 52-65).

The Office Action further asserts that Figure 9 of Barinaga shows that “the latching surface and the alignment pocket intersect a horizontally extending plane”, as recited in Claim 1. This is also not so.

A careful examination of Figure 9 (shown below) shows that the aperture (34) and detents (118) in the vertical ribs fail to intersect any horizontally extending plane. Note that aperture (34) is just an opening and as such does not even extend into the container. Consequently, aperture (34) actually lies on a horizontal plane that is

parallel to the horizontal plane intersected by detents (118) (for example, as illustrated in the annotated drawing below):



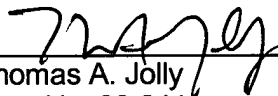
For at least these reasons, Barinaga clearly fails to disclose or otherwise reasonably suggest the printing fluid container as recited in **Claim 1, and Claims 3, 4, 15-18**, which depend there from.

All of the pending Claims 1, 3-18, 22-36, 38, 40, and 41 are patentable over the cited art and in condition for prompt allowance.

Applicants respectfully request issuance of all pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully Submitted,

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